

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference FOC-725-WO	FOR FURTHER ACTION	See item 4 below
International application No. PCT/EP2004/001834	International filing date (<i>day/month/year</i>) 25 February 2004 (25.02.2004)	Priority date (<i>day/month/year</i>) 25 April 2003 (25.04.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant FOCKE & CO. (GMBH & CO. KG)		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> .1(a).																								
2.	<p>This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 60%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input checked="" type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 740 14 35	Date of issuance of this report 02 March 2006 (02.03.2006) Authorized officer Agnes Wittmann-Regis Telephone No. +41 22 338 89 70
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

Translation

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference

FOC-725-WO

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2004/001834

International filing date (day/month/year)

25.02.2004

Priority date (day/month/year)

25.04.2003

International Patent Classification (IPC) or both national classification and IPC

Applicant

FOCKE & CO. (GMBH & CO. KG)

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/001834

Box No. I

Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/001834

Box No. II

Priority

1. ☒ The following document has not yet been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/EP2004/001834

Box No. V Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-23	YES
	Claims		NO
Inventive step (IS)	Claims	11-12, 23	YES
	Claims	1-10, 13-22	NO
Industrial applicability (IA)	Claims	1-23	YES
	Claims		NO

2. Citations and explanations:

1. The present report makes reference to the following documents:

- D1: US 4 554 774 A (MIYASHITA YOSHIKAZU ET AL) 26 November 1985 (1985-11-26)
- D2: EP 0 385 459 A (TOYODA MACHINE WORKS LTD) 5 September 1990 (1990-09-05)
- D3: LORENZ R D ET AL: "Synchronized motion control for process automation" CONFERENCE RECORD OF THE INDUSTRY APPLICATIONS SOCIETY ANNUAL MEETING, 1 October 1989 (1989-10-01), pages 1693-1698, XP010091171 NEW YORK, US
- D4: US 4 000 449 A (GRIPP LEONARD P) 28 December 1976 (1976-12-28)

2 The application does not meet the requirements of PCT Article 6 with respect to clarity and conciseness for the following reasons:

2.1 The different definitions of the invention contained in the independent claims 1-4 and 13-16 are of such a nature that their subject matter is not sufficiently clear and understandable. These claims therefore do not meet the requirements of PCT Article 6. In particular, it is questionable whether the independent claims are related by one or more special technical features as required by PCT Rule 13.2.

2.2 It is further noted that terms like "preferably", "for example" and "in particular" do not constitute effective limitations on the scope of protection; i.e., the feature following such a term is considered wholly optional (PCT International Search and Preliminary Examination Guidelines III, 5.40)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/001834

Box No. V

Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

- 2.3 The wording in claim 2 "...that the comparator compares the actual value with a limit value and generates a stop signal in the event of a discrepancy" contradicts the description, according to which a stop signal is generated in the event the limit value is exceeded (see e.g. page 6, line 12).
- 2.4 It is unclear which servomotor is referred to in claim 3, line 25. There is no context for the reference to a servomotor in claim 2, line 17 either.
- 3 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 1-10 and 13-22 does not involve an inventive step under PCT Article 33(3).
- 3.1 D1 discloses (the reference numbers in parentheses refer to this document): a method for controlling a production unit with a primary drive (fig. 3: 4) and a dependent drive (fig. 3: 5) according to claim 1 (see also column 5, lines 47-57). D1 further discloses the allocation of a servomotor to the dependent drive (16,17) with the conventional conversion of an input signal (by controller 15) to the dependent drive. It is obvious to a person skilled in the art that a limit value must be taken into account (current limit, see e.g. D3, page 1695, left column, first paragraph "current control loop limits").
- 3.2 D2 also shows the utilization of a limit value (fig. 3: LV) for the synchronization error (column 3, lines 14-23) in a master-slave drive configuration. Therefore claim 1 does not involve an inventive step over D2.
- 3.3 The remaining claims 2-10 do not - insofar as they can be understood - contain any features which would substantiate an inventive step over the prior art. In particular, the use of measuring transducers and comparators is disclosed in D1 (fig. 3: 6,10). The generation of a stop signal upon the crossing of a limit value (e.g. a limit temperature) is obvious to a person skilled in the art. The same objections apply accordingly to the device claims 13-22.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

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Box No. V

Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement